

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOSE A. RODRIGUEZ,
Plaintiff,

v.

DEPUTY SHERIFF OHERA,
Defendant.

Case No. 14-cv-05646-HSG (PR)

**ORDER DIRECTING CLERK TO
REISSUE SUMMONS**

Plaintiff, an inmate at the Solano County Jail, filed the instant pro se civil rights action pursuant to 42 U.S.C. § 1983, alleging deprivations of his constitutional rights by the actions of defendant Deputy Sheriff Ohera at the West County Detention Facility in Richmond, California, where he was formerly incarcerated. On January 30, 2015, the Court directed the Clerk to prepare the summons for service of the complaint upon defendant Ohera and the United States Marshal to effectuate such service. On February 6, 2015, the Marshal returned the summons unexecuted.

The Court notes that the order of service and summons misspelled defendant's name as "Ottera" rather than "Ohera." The failure to serve this defendant was at no fault of plaintiff. Accordingly, the Court will reissue summons.

CONCLUSION


1. The Clerk of the Court shall reissue summons and the United States Marshal shall serve, without prepayment of fees, a copy of the complaint in this matter, all attachments thereto, a copy of the Court Order filed January 30, 2015 (Docket No. 10), and a copy of this Order upon defendant **Deputy Sheriff Ohera** at the **West County Detention Facility in Richmond, California**. The Clerk shall also mail a courtesy copy of this order to the Contra Costa County Counsel's Office.

2. Defendant shall file a motion for summary judgment or other dispositive motion with respect to the claims in the complaint found to be cognizable, and briefing shall proceed thereafter, in accordance with the schedule and instructions set forth in the Court's Order of Service, filed January 30, 2015.

3. The Clerk is directed to correct the spelling of defendant's name on the docket to substitute the name "Ohera" for "Oterra."

IT IS SO ORDERED.

Dated: 2/19/2015


HAYWOOD S. GILLIAM, JR.
United States District Judge

United States District Court
Northern District of California